

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION  
No. 5:15-CT-3165-D

NAPOLEON J. RANKIN BEY, )  
                                )  
                                )  
Plaintiff,                 )  
                                )  
                                )  
v.                             )                           **ORDER**  
                                )  
                                )  
LT. PENLAND, and OFFICER WOODIE, )  
                                )  
                                )  
Defendants.                 )

On September 13, 2016, Magistrate Judge Numbers issued a Memorandum and Recommendation (“M&R”) [D.E. 7]. In that M&R, Judge Numbers recommended that the court dismiss Napoleon J. Rankin Bey’s 42 U.S.C. § 1983 complaint for failure to state a claim upon which relief can be granted. No objections have been filed to the M&R.

“The Federal Magistrates Act requires a district court to make a de novo determination of those portions of the magistrate judge’s report or specified proposed findings or recommendations to which objection is made.” Diamond v. Colonial Life & Accident Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005) (emphasis, alteration, and quotation omitted); see 28 U.S.C. § 636(b). Absent a timely objection, “a district court need not conduct a de novo review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” Diamond, 416 F.3d at 315 (quotation omitted).

The court has reviewed the M&R and the record. The court is satisfied that there is no clear error on the face of the record. Accordingly, the court adopts the conclusions in the M&R [D.E. 7].

In sum, plaintiff's complaint is DISMISSED, and the clerk shall close the case.

SO ORDERED. This 12 day of November 2016.



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JAMES C. DEVER III

Chief United States District Judge